

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

REGINALD G. BAKER, ) 4:14CV3102  
 )  
 Plaintiff, )  
 )  
 v. ) **MEMORANDUM  
 AND ORDER**  
 )  
 JEFFREY KOZENY, et al., )  
 )  
 Defendants. )

This matter is before the court on Plaintiff's "Request to Dismiss Action" (Filing No. [13](#)), which the court liberally construes as a motion to voluntarily dismiss pursuant to [Federal Rule of Civil Procedure 41](#). Rule 41(a) states that a plaintiff may dismiss an action without a court order by filing "a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment." [Fed. R. Civ. P. 41\(a\)\(1\)\(A\)\(i\)](#). In addition, Rule 41(a)(2) provides that an action may be dismissed at the plaintiff's request "on terms that the court considers proper." [Fed. R. Civ. P. 41\(a\)\(2\)](#). Here, Defendants have not been served with process. Accordingly,

IT IS THEREFORE ORDERED that:

1. Plaintiff's "Request to Dismiss Action" (Filing No. [13](#)), which the court liberally construes as a motion to voluntarily dismiss, is granted. Accordingly, this matter is dismissed without prejudice.
2. Plaintiff's Motions for Appointment of Counsel (Filing No. [8](#) and Filing No. [12](#)) are denied as moot.

3. A separate judgment will be entered in accordance with this Memorandum and Order.

DATED this 12<sup>th</sup> day of June, 2014.

BY THE COURT:

s/ Joseph F. Bataillon

United States District Judge

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